

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of

Hisashi Kashima et al.

Serial No.: 09/870,009

Group Art Unit: 1631

Filing Date: May 30, 2001

Examiner: Carolyn L. Smith

For: NUCLEOTIDE SEQUENCE FOR IDENTIFYING A SOURCE OF GENETIC
INFORMATION, AND DNA AND CELL INCLUDING THE SAME

Honorable Commissioner for Patents
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

Under the provisions of 37 CFR §1.97 through §1.98 and pursuant to applicants' duty of disclosure under 37 CFR §1.56, applicants respectfully bring the following documents cited in the Japanese Office Action dated May 22, 2007 in a counterpart foreign application and listed on the attached form PTO-1449, to the attention of the Examiner in charge of the above-identified application. Copies of the listed documents are provided herewith for the convenience of the Examiner.

In compliance with the requirements of 37 CFR §1.98(a)(3), as a concise statement of relevance, as it is presently understood by the individual designated in 35 U.S.C. §1.56(c) most knowledgeable about the content of the information, the undersigned attorney of record submits a translation of portions of an official action by a foreign examiner in which the reference was cited. The relevance to the pending U.S. patent application is that the reference was cited in a foreign patent application on the same subject matter. However, no independent analysis of the reference, the accuracy of the statement of the foreign examiner or the claims of the foreign application under the laws of that country or the United States relative to the subject matter claimed in the present application has been made, the present understanding of the contents thereof by the undersigned being based on the translation of the foreign examiner's comments submitted herewith.

I hereby certify that each item of information contained in this Information Disclosure Statement was the first citation of that item by a foreign patent office in a counterpart foreign application which occurred not more than three months prior to the filing of this statement.

This citation does not constitute an admission that the references are relevant or material to the claims. They are only cited as constituting related art of which the applicants are aware.

The Commissioner is authorized to charge the amount of \$180.00 to Assignee's Deposit Account No. 50-0510.

It is respectfully requested that the listed references be considered by the Examiner and formally made of record in this application.

Please charge any deficiencies in fees and credit any overpayment of fees to Assignee's Deposit Account No. 50-0510.

Respectfully submitted,



Phillip E. Miller, Esq.
Registration No. 46,060

Date: 8/22/07

McGinn IP Law Group, PLLC
Intellectual Property Law
8321 Old Courthouse Road, Suite 200
Vienna, VA 22182-3817
(703) 761-4100
Customer No. 21254

INFORMATION DISCLOSURE CITATION

(Use several sheets if necessary)

Docket Number (Optional)

JP20000060US1

Application Number

09/870,009

Applicant(s)

Hisashi Kashima et al.

Filing Date

May 30, 2001

Group Art Unit

1631

U.S. PATENT DOCUMENTS

| *EXAMINER INITIAL | REF | DOCUMENT NUMBER | DATE | NAME | CLASS | SUBCLASS | FILING DATE IF APPROPRIATE |
|----------------------|-----|-----------------|------|------|-------|----------|-------------------------------|
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |

U.S. PATENT APPLICATION PUBLICATIONS

| *EXAMINER INITIAL | REF | DOCUMENT NUMBER | DATE | NAME | CLASS | SUBCLASS | FILING DATE IF APPROPRIATE |
|----------------------|-----|-----------------|------|------|-------|----------|-------------------------------|
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |

FOREIGN PATENT DOCUMENTS

| | REF | DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUBCLASS | Translation | |
|--|-----|-----------------|------|---------|-------|----------|-------------|----|
| | | | | | | | YES | NO |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

OTHER DOCUMENTS

(Including Author, Title, Date, Pertinent Pages, Etc.)

Japanese Office Action, May 22, 2007, Complaint 2003-23639, Japanese Patent Application No. 2000-171030

Journal of Applied Microbiology, 1998, Vol. 84, p.969-980, "Common DNA sequences with potential for detection of genetically manipulated organisms in food", C.A. McCormick et al.

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

| | | | | | | | |
|--|--|--|--|--|--|---|--|
| INFORMATION DISCLOSURE CITATION <i>(Use several sheets if necessary)</i> | | | | Docket Number (Optional) JP20000060US1 | | Application Number 09/870,009 | |
| | | | | Applicant(s) Hisashi Kashima et al. | | | |
| | | | | Filing Date May 30, 2001 | | Group Art Unit 1631 | |

| U.S. PATENT DOCUMENTS | | | | | | | |
|-----------------------|-----|-----------------|------|------|-------|----------|-------------------------------|
| *EXAMINER INITIAL | REF | DOCUMENT NUMBER | DATE | NAME | CLASS | SUBCLASS | FILING DATE IF APPROPRIATE |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |

| U.S. PATENT APPLICATION PUBLICATIONS | | | | | | | |
|--------------------------------------|-----|-----------------|------|------|-------|----------|-------------------------------|
| *EXAMINER INITIAL | REF | DOCUMENT NUMBER | DATE | NAME | CLASS | SUBCLASS | FILING DATE IF APPROPRIATE |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |

| FOREIGN PATENT DOCUMENTS | | | | | | | | |
|--------------------------|-----|-----------------|------|---------|-------|----------|-------------|----|
| | REF | DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUBCLASS | Translation | |
| | | | | | | | YES | NO |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

| OTHER DOCUMENTS | | (Including Author, Title, Date, Pertinent Pages, Etc.) |
|-----------------|--|--|
| | | Molecular and Cellular Biology, July 1984, p.1293-1305, "Transcription Control Region Within the Protein-Coding Portion of Adenovirus E1A Genes" |
| | | Gene, 1997, vol. 199, p.293-301, "Codon optimization for high-level expression of human erythropoietin (EPO) in mammalian cells" |

| | |
|-----------------|------------------------|
| EXAMINER | DATE CONSIDERED |
|-----------------|------------------------|

| |
|--|
| EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. |
|--|

INFORMATION DISCLOSURE CITATION

(Use several sheets if necessary)

Docket Number (Optional)

JP20000060US1

Application Number

09/870,009

Applicant(s)

Hisashi Kashima et al.

Filing Date

May 30, 2001

Group Art Unit

1631

U.S. PATENT DOCUMENTS

| *EXAMINER INITIAL | REF | DOCUMENT NUMBER | DATE | NAME | CLASS | SUBCLASS | FILING DATE IF APPROPRIATE |
|----------------------|-----|-----------------|------|------|-------|----------|-------------------------------|
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |

U.S. PATENT APPLICATION PUBLICATIONS

| *EXAMINER INITIAL | REF | DOCUMENT NUMBER | DATE | NAME | CLASS | SUBCLASS | FILING DATE IF APPROPRIATE |
|----------------------|-----|-----------------|------|------|-------|----------|-------------------------------|
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |

FOREIGN PATENT DOCUMENTS

| REF | DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUBCLASS | Translation | |
|-----|-----------------|------|---------|-------|----------|-------------|----|
| | | | | | | YES | NO |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |

OTHER DOCUMENTS

(Including Author, Title, Date, Pertinent Pages, Etc.)

| | | |
|--|--|---|
| | | Industrials and Technology, 1998, Vol. 50, No. 3, p.74-77, "Cytosine methylation of genomic DNA" |
| | | The International Journal of Biochemistry & Cell Biology, 1999, Vol. 31, p.1153-1167, "Regulation of erythroid 5-aminolevulinate synthase expression during erythropoiesis" |

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

INFORMATION DISCLOSURE CITATION

(Use several sheets if necessary)

Docket Number (Optional)

JP20000060US1

Application Number

09/870,009

Applicant(s)

Hisashi Kashima et al.

Filing Date

May 30, 2001

Group Art Unit

1631

U.S. PATENT DOCUMENTS

| *EXAMINER INITIAL | REF | DOCUMENT NUMBER | DATE | NAME | CLASS | SUBCLASS | FILING DATE IF APPROPRIATE |
|----------------------|-----|-----------------|------|------|-------|----------|-------------------------------|
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |

U.S. PATENT APPLICATION PUBLICATIONS

| *EXAMINER INITIAL | REF | DOCUMENT NUMBER | DATE | NAME | CLASS | SUBCLASS | FILING DATE IF APPROPRIATE |
|----------------------|-----|-----------------|------|------|-------|----------|-------------------------------|
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |

FOREIGN PATENT DOCUMENTS

| | REF | DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUBCLASS | Translation | |
|--|-----|-----------------|------|---------|-------|----------|-------------|----|
| | | | | | | | YES | NO |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

OTHER DOCUMENTS

(Including Author, Title, Date, Pertinent Pages, Etc.)

| | |
|--|--|
| | Biochemistry Dictionary, Second Edition, 1990, section not translated from Japanese |
| | Nucleic Acids Research, 2000, Vol. 28, No. 1, p.197-200, "Non-coding, mRNA-like RNAs database Y2K", Volker A. Erdmann et al. |

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

INFORMATION DISCLOSURE CITATION

(Use several sheets if necessary)

Docket Number (Optional)

JP20000060US1

Application Number

09/870,009

Applicant(s)

Hisashi Kashima et al.

Filing Date

May 30, 2001

Group Art Unit

1631

U.S. PATENT DOCUMENTS

| *EXAMINER INITIAL | REF | DOCUMENT NUMBER | DATE | NAME | CLASS | SUBCLASS | FILING DATE IF APPROPRIATE |
|----------------------|-----|-----------------|------|------|-------|----------|-------------------------------|
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |

U.S. PATENT APPLICATION PUBLICATIONS

| *EXAMINER INITIAL | REF | DOCUMENT NUMBER | DATE | NAME | CLASS | SUBCLASS | FILING DATE IF APPROPRIATE |
|----------------------|-----|-----------------|------|------|-------|----------|-------------------------------|
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |

FOREIGN PATENT DOCUMENTS

| REF | DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUBCLASS | Translation | |
|-----|-----------------|------|---------|-------|----------|-------------|----|
| | | | | | | YES | NO |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |

OTHER DOCUMENTS

(Including Author, Title, Date, Pertinent Pages, Etc.)

Cell, March 7, 1997, Vol. 88, p.637-646, "The Cold Shock Domain Protein LIN-28 Controls Developmental Timing in *C. elegans* and Is Regulated by the lin-4 RNA", Eric G. Moss et al.

Plant Molecular Biology, 2002, Vol. 48, p.173-182, "Gene replacement by homologous recombination in plants", Holger Puchta

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.